

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1 and 10 have been amended, claim 2 canceled without prejudice or disclaimer for filing in a continuation application, and new claim 11 added. Claims 4-9 have been withdrawn from consideration. Thus, claims 1-3 and 10-11 are currently pending in the application and subject to examination.

Objections to the Specification and Claims

In the Office Action mailed September 15, 2005, the specification and claims 1-8 and 11-13 were objected to for informalities for informalities. The specification and claims have been amended responsive to these objections.

Asserted Rejections Under 35 USC § 112

Claims 12 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 and 13 have been amended responsive to this rejection. If any additional amendment is necessary to overcome the aforementioned objections and rejection, the Examiner is requested to contact the Applicant's undersigned representative.

Asserted Rejections Under 35 USC § 102

Claims 2 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0153970 to Noto (hereinafter, "Noto"). Claim 2 was rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-191720 to Ohara (hereinafter, "Ohara"). Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,404,101 to Taniguchi (hereinafter,

“Taniguchi”) in view of Noto. It is noted that claims 2 and 3 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicant hereby traverses the rejections, as follows.

Claims 2 and 3, as amended, recite in part:

a thick film thicker than each of the plurality of electrode fingers is produced in partial areas of the bus bar...

The Applicant submits that Noto is not concerned with confining acoustic wave energy and thus, Noto neither discloses nor suggests a thick film thicker than each of the plurality of electrode fingers produced in partial areas of the bus bar, as recited in claims 2 and 3, as amended.

For at least this reason, the Applicant submits that claims 2 and 3 are allowable over Noto.

Also, similarly to as discussed above with regard to claims 2 and 3, the Applicant submits that claim 2, as amended, is allowable over Ohara at least because Ohara does not disclose or suggest at least the feature of a thick film thicker than each of the plurality of electrode fingers produced in partial areas of the bus bar, as recited in claim 2, as amended.

Asserted Rejections Under 35 USC § 103

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,404,101 to Taniguchi (hereinafter, “Taniguchi”) in view of Noto. It is noted that claim 9 has been canceled and claims 1-8 and 11-16 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicant hereby traverses the rejections, as follows.

In claims 1-8 of the instant application, a partial area of a bus bar is produced to have a thick film in order to effectively confine acoustic wave energy. However, such confinement of wave energy may result in insertion loss of the filter due to concentration of the wave energy at a gap between the bus bar and electrode fingers. Thus, claims 1-8 further recite a tip gap provided between the bus bar and electrode fingers to improve such insertion loss.

As noted above, Noto is not concerned with confining acoustic wave energy. Accordingly, Noto does not disclose or suggest a thick film thicker than each of a plurality of electrode fingers produced in a partial area of a bus bar, to confine acoustic wave energy, as in claims 1-8. The Office Action asserts that it would have been obvious to have modified the device of Taniguchi with the tip gap of Noto because Taniguchi is silent as to the tip gap.

However, the Applicant respectfully submits that it is not enough that one may modify a reference in view of a second reference, but rather it is required that the references suggest the modification, and not merely provide the capability of the proposed modification. Thus, "silence" on the part of Taniguchi regarding the tip gap is an insufficient showing of motivation. Accordingly, the Applicant submits that there is no suggestion or motivation to combine the references as suggested in the outstanding Office Action, and that any rejection based thereon is improper.

For at least this reason, the Applicant submits that claims 1-8 are allowable over the cited art of record. As claims 1-8 are allowable, the Applicant submits that claims 10-16, each of which depends from at least one of claims 1-8, are similarly allowable over the cited

art of record. Accordingly, withdrawal of the rejection of claims 1-16 as being unpatentable over the combination of Taniguchi and Noto is respectfully requested.


Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is requested to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referencing docket no. 108066-00107.

Respectfully submitted,


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Enclosures: Petition for Extension of Time